

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

DAVID VALENCIA,	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 6:13-0634MGL
	§	
JOHN DOE OFFICERS, Greenville County	§	
Police Department; GREENVILLE COUNTY	§	
CITY POLICE DEPARTMENT; and OFFICEI	R §	
JEREMY E. JONES, E38 Greenville Police	§	
Department,	§	
Defendants.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION, DISMISSING JOHN DOE OFFICERS WITHOUT PREJUDICE, AND GRANTING DEFENDANTS GREENVILLE COUNTY SHERIFF'S DEPARTMENT AND JONES'S MOTION FOR SUMMARY JUDGMENT

This is a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting John Doe Officers be dismissed without prejudice as per Fed. R. Civ. P 4(m) and Defendants Greenville County Sheriff's Office and Jones's motion for summary judgment be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 27, 2017, but Plaintiff failed to file any

objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo

review, but instead must 'only satisfy itself that there is no clear error on the face of the record in

order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315

(4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to

object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set

forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment

of the Court John Doe Officers are **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P

4(m) and Defendants Greenville County Sheriff's Office and Jones's motion for summary judgment

is **GRANTED**.

IT IS SO ORDERED.

Signed this 14th day of August, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date

hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

2